

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL T. WHITLOW : MISCELLANEOUS ACTION
 :
v. :
 :
DEPARTMENT OF TREASURY :
INTERNAL REVENUE SERVICE : NO. 02-145

ORDER

AND NOW, this 16th day of March, 2004, upon consideration of defendant's motion to dismiss (docket entry # 2), and the Court finding that:

(a) On February 19, 2004, defendant filed its motion to dismiss this miscellaneous action and mailed the motion to plaintiff;

(b) Under Loc. R. Civ. P. 7.1(c), we may grant as unopposed any motion, except for a motion for summary judgment, if the non-movant fails to file a response within fourteen days after service;

(c) Plaintiff's response was due on March 8, 2004, and he has not responded to the motion; and

(d) Since March 8, 2004, a member of the Court's staff has thrice attempted to contact plaintiff, who is an attorney representing himself, but plaintiff has not returned any of these phone calls;

It is hereby ORDERED that:

1. Defendant's motion to dismiss is GRANTED AS UNOPPOSED;
2. Plaintiff's petition is DISMISSED; and

3. The Clerk shall CLOSE this miscellaneous action statistically.

BY THE COURT:

Stewart Dalzell, J.